



# SSVF Office Hour Webinar Series

*Expanding Legal Services for SSVF*

*October 14, 2021*

[Link to Audio](#)

# Housekeeping



Webinar  
will last  
for **90**  
minutes



Slides &  
handouts  
are in the  
“handout”  
section



Recording,  
Handouts  
& Slides  
will be sent  
via email



Submit  
questions in  
the question  
box or any  
time at  
[ssvf@va.gov](mailto:ssvf@va.gov)



# Agenda

- **Introductions**
- **SSVF Legal Services and Expansion Expectations**
- **SSVF Grantee Presentations**
- **SSVF Funding**
- **VA Medical Legal Partnerships and Opportunities**
- **Q & A**



# Presenters

**Nikki Barfield**, Deputy Director, *SSVF*

**Carolyn Head**, Regional Coordinator, *SSVF*

**Dylan Maeby**, Attorney, *Pine Tree Legal Assistance*

**Sara Sommarstrom**, Attorney,  
*Minnesota Assistance Council for Veterans*

**Robert Thompson**, Finance Project Coordinator, *SSVF*

**Lara Eilhardt**, MLP Attorney, *VA Office of General Counsel*

**Sean Clark**, Director, *Veterans Justice Program*







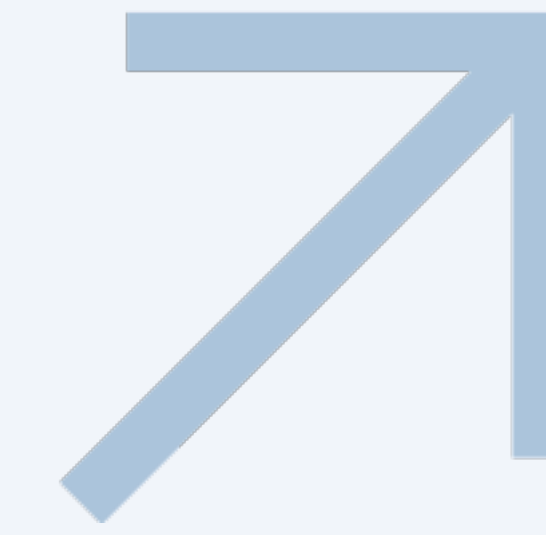
# **Expanding Legal Services for SSVF**

# SSVF Legal Services Expansion

American Rescue Plan Act (ARPA) includes \$24 million to SSVF specifically for legal services.

## **Goal:**

To enhance SSVF provision of legal services by increasing Veteran access through expanded and improved direct legal aid partnerships.



Funds must be used for:

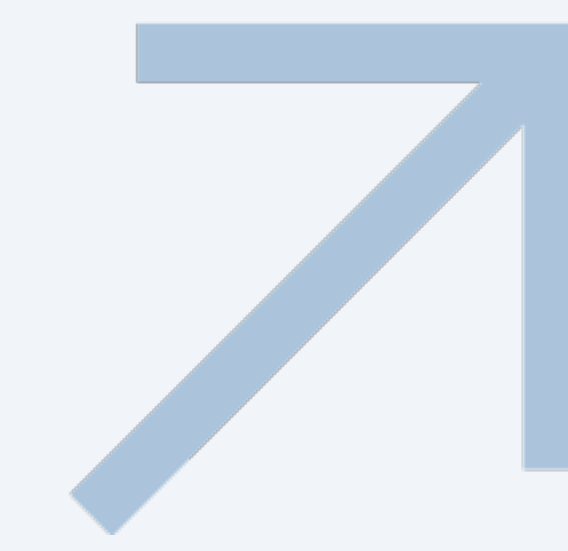
- Legal needs assessment for all enrolled SSVF participants
- Provision of direct legal services



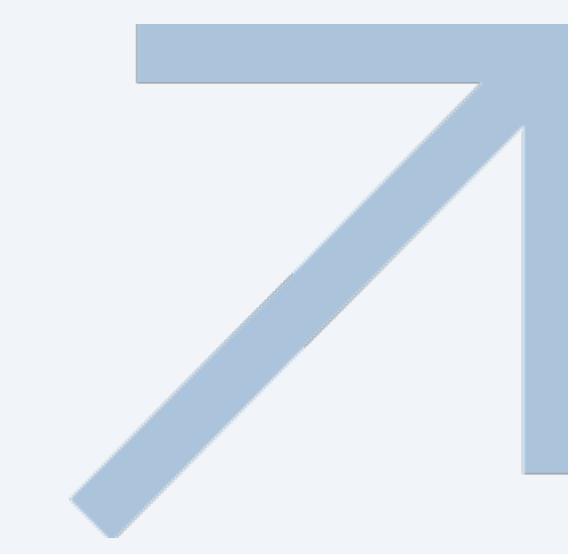
# SSVF Legal Services Expansion

Four of the top 10 unmet needs reported by homeless Veterans are legal issues

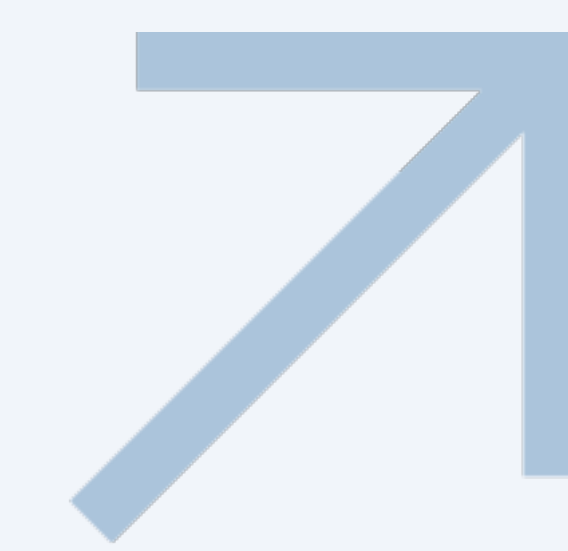
(Annual-CHALENG Community Homelessness Assessment, Local Education and Networking Groups Participant Survey)



Legal assistance to prevent eviction and foreclosure



Legal assistance to help restore a driver's license



Legal assistance for child support issues



Legal assistance for outstanding warrants and fines



## *Veterans Justice Program – VA Medical Legal Partnerships (MLP)*

- Over 60% of legal clinic providers said they did not have capacity to serve all or most Veterans seeking legal services. Of clinics without capacity, lack of funding (49%) was the most common reason.*
- Housing Problems and Rights – the number one reported legal service addressed by VA-housed legal clinics*

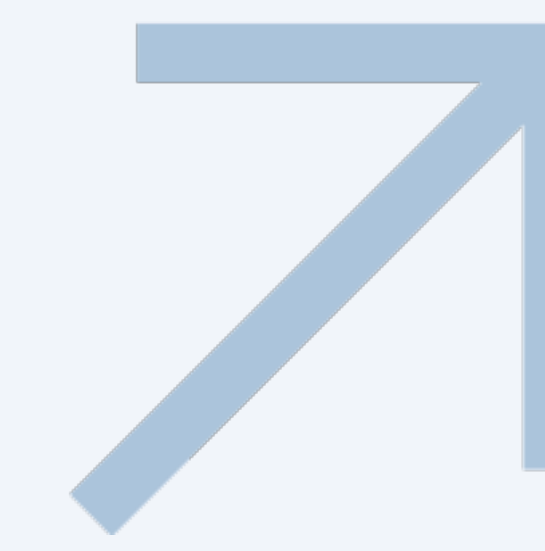
*\*Taylor, Emeline N., Timko, Christine, Clark, Sean, Eilhardt, Lara, Blue-Howells, Jessica, Stimmel, Matthew, & Finlay, Andrea K. “U.S. Department of Veterans Affairs Legal Clinic Partnerships: How They Operate and Whom They Serve.” Veterans Justice Programs Report, December 2019.*



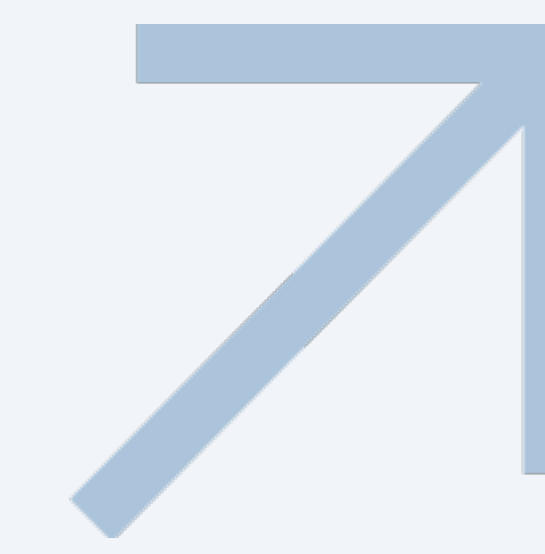


# SSVF Legal Services Expansion

In October 2020, we implemented an internal Legal Services Survey of SSVF Grantees.



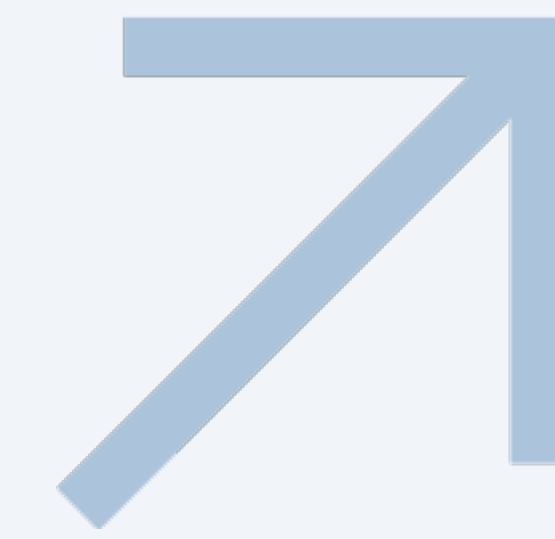
Only 26% (65) Grantees reported providing direct legal services via contract or in-house counsel.



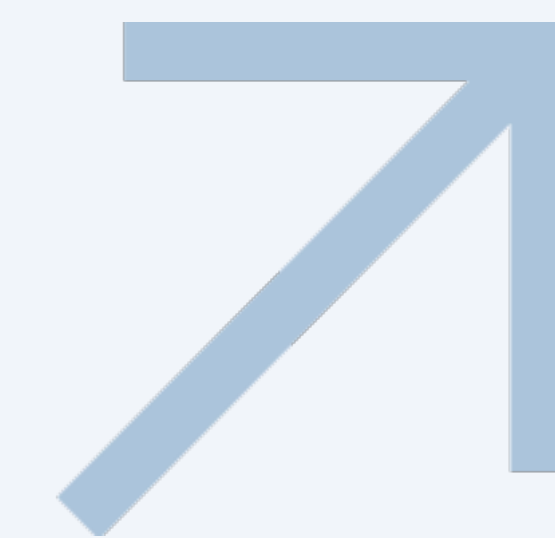
Per grantee report, a major reason for not providing direct legal services was lack of SSVF grant funds.

# SSVF Legal Services Expansion

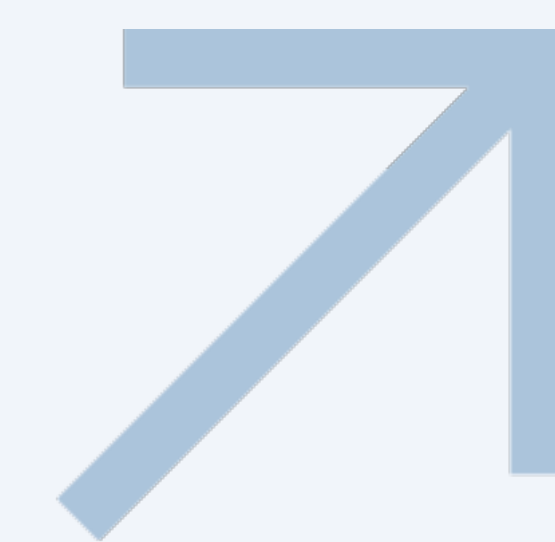
Examples of common issues faced by homeless or at-risk Veterans include:



Eviction (threatening or pending)



Child support issues



Assistance in obtaining SSI, SSDI, and VA benefits and/or assistance with claims for those benefits



Landlord/tenant issues (includes protecting tenant rights, addressing housing code violations, protecting security deposits, and providing lease reviews)

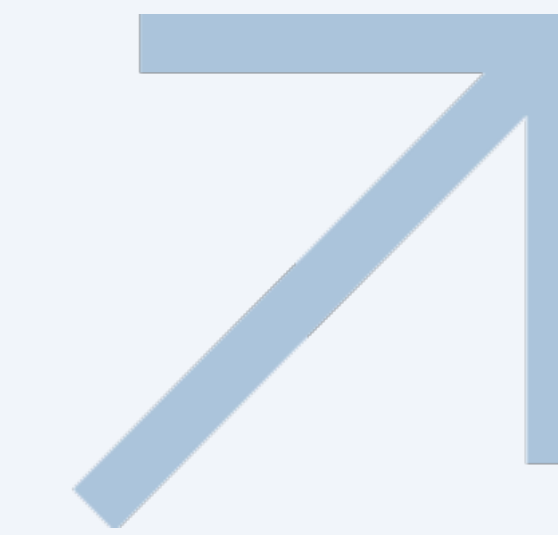


Outstanding warrants and/or court fees

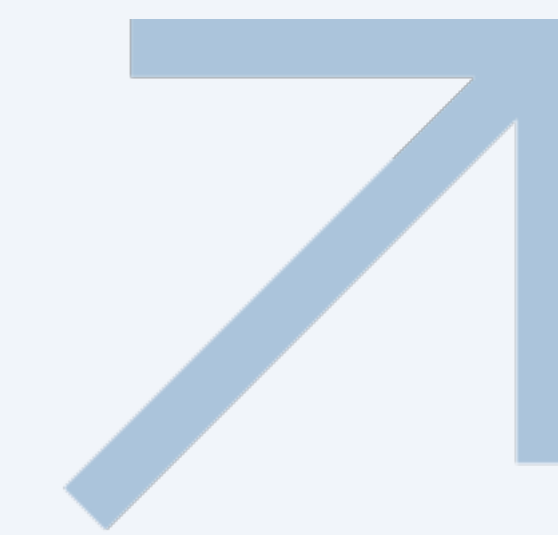


# SSVF Legal Services Expansion

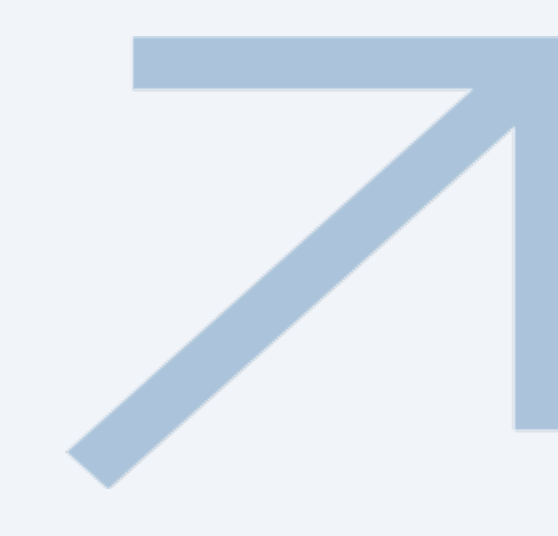
Examples of common issues faced by homeless or at-risk Veterans include (continued):



Driver's license reinstatement issues



Criminal records expungement



Debt collection (includes pursuing debt forgiveness and processing personal bankruptcies)



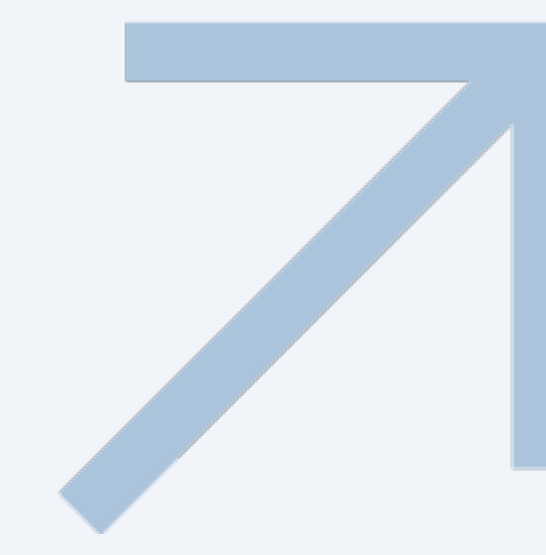
Address credit and debt-based denials of entry into housing or for public services and resources



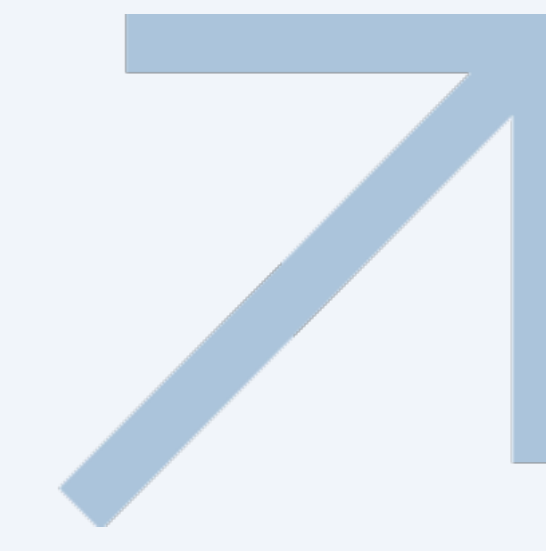
Discharge upgrade (if Veteran already enrolled in SSVF and the upgrade is directly connected to the Housing Stability Plan)

# SSVF Legal Services Expansion

While it was previously stated that grantees are strongly encouraged to provide legal services to assist participants with issues that interfere with participants' ability to obtain or retain permanent housing or supportive services (38 CFR Part 62.33). Direct legal services are now required with the use of the allocated ARPA funds



Legal Services is included as an eligible asupportive service for SSVF



The grantee must document the legal service being provided and the link between the legal issue and haousing stability

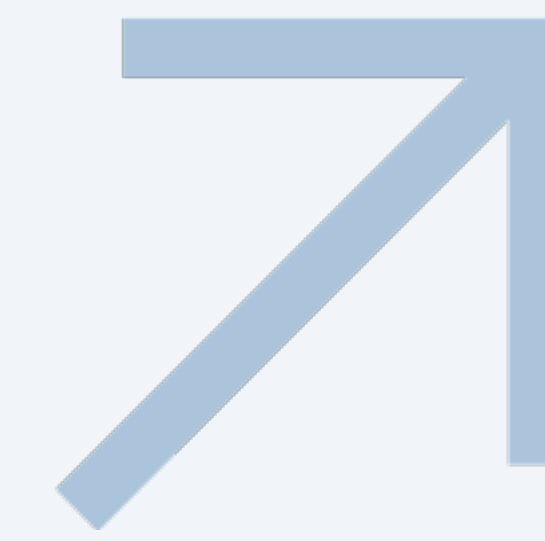


Legal Services must be entered in HMIS as a service

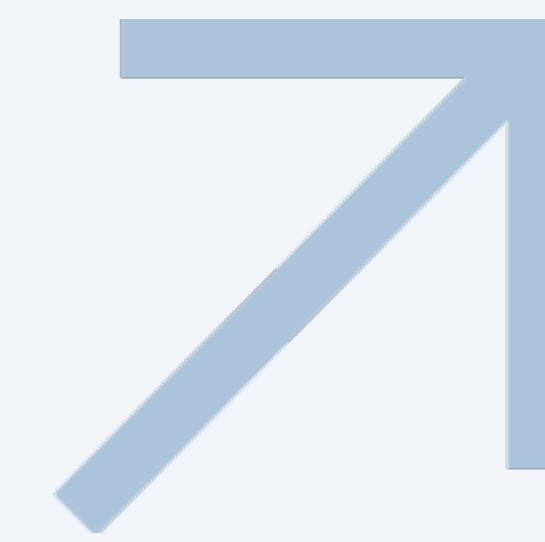


# SSVF Legal Services Models

Expansion: SSVF-funded legal assistance will be provided directly by the grantee.



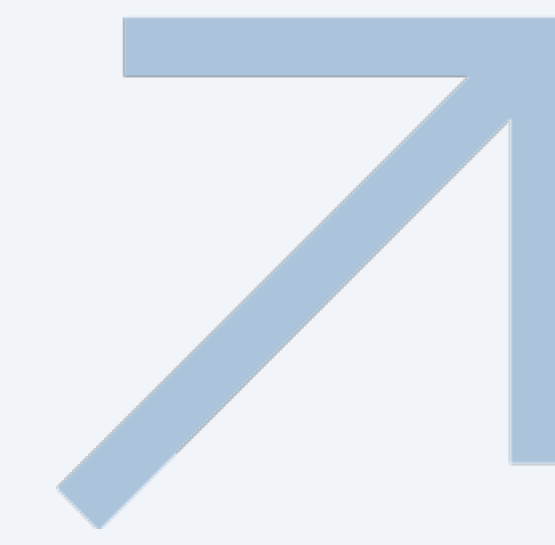
In-house Counsel



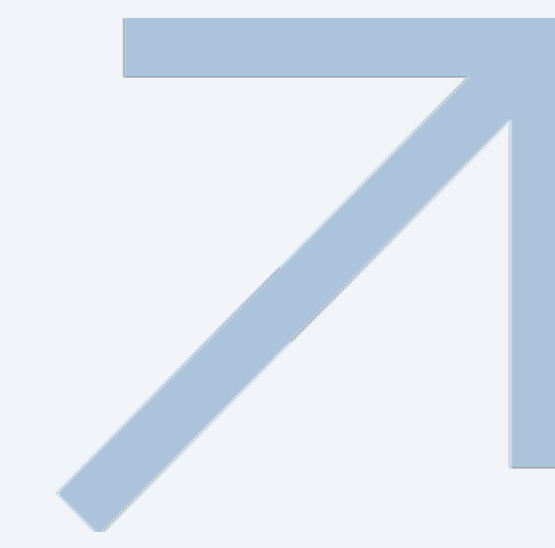
Contract

# SSVF Legal Services: A Quick Reminder

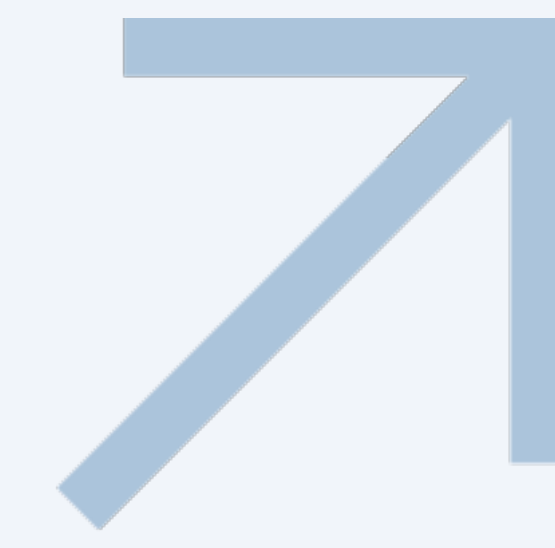
## Allowable SSVF Legal Services Costs



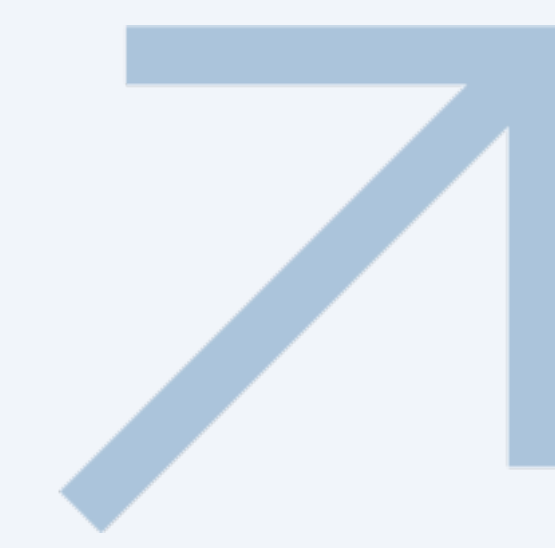
Supportive Services that promote housing stability including:



Intake



Consultation



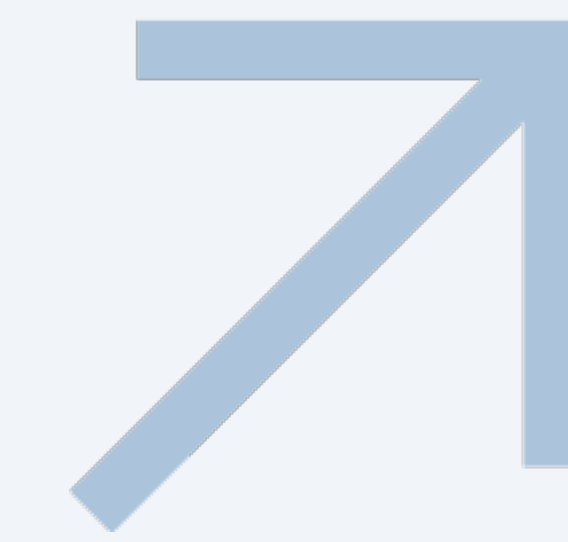
Representation\*

\*includes representation for participants before VA with respect to a claim for VA benefits, but only if individual is recognized for that purpose under 38 U.S.C. Chapter 59. For information on accreditations, please visit <http://statesidelegal.org/va-accreditation>

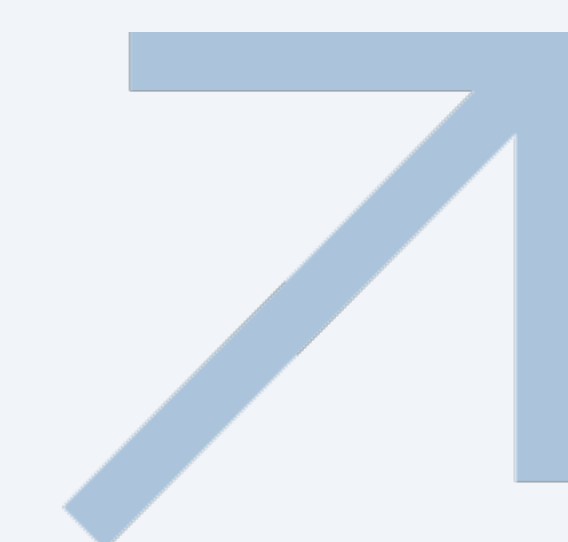


# SSVF Legal Services: A Quick Reminder

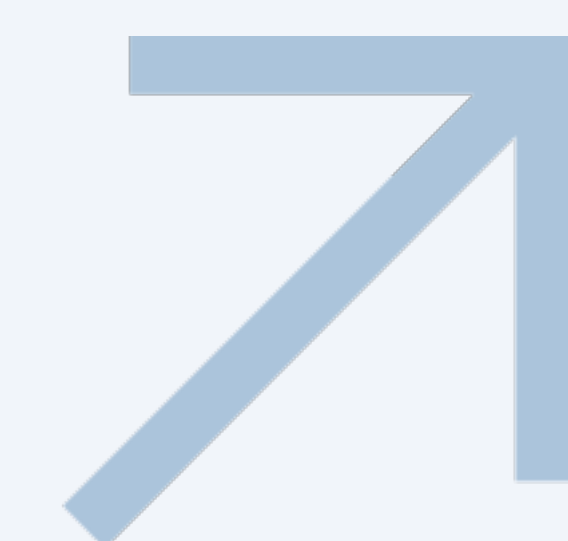
## Allowable SSVF Legal Services Costs



Staff Training/Education



Income assistance paid under General Housing Stability Assistance including:



Court filing fees (e.g. fees associated with filing a written response to the landlord's complaint)



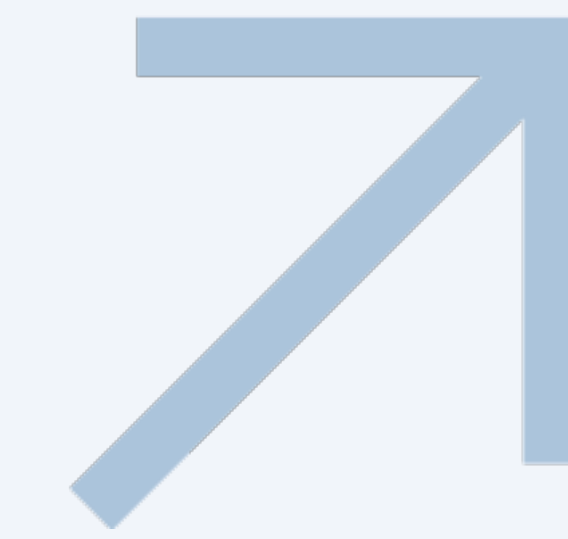
Ad hoc fees associated with the provision of supportive services, including legal representation (e.g. fees associated with driver's license reinstatement)

# SSVF Legal Services: A Quick Reminder

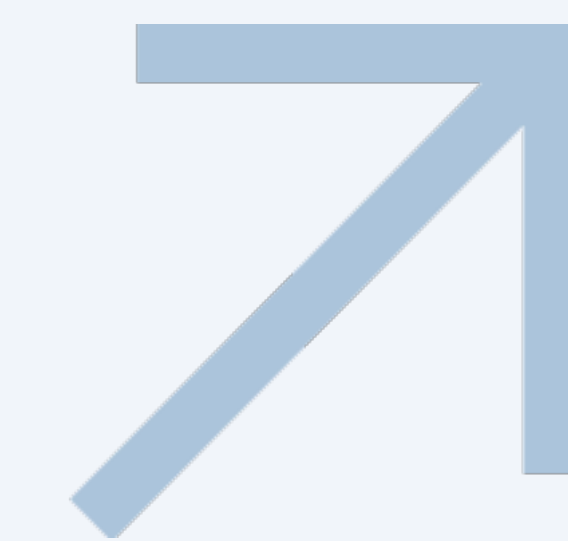
## Unallowable SSVF Legal Services Costs

### **Please note:**

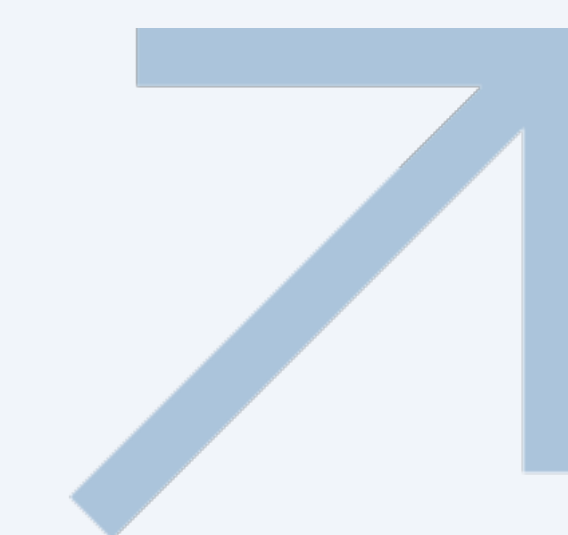
Although unallowable services cannot be provided with SaSVF funds, these services may be provided via referral



Income Assistance such as:



Court adjudicated judgements or fines



Family law issues related to Divorce or Child Custody



Estate planning (wills, trusts, etc)



## *Legal Needs Assessment:*

*Initial assessments should include a discussion of current legal needs.*



*Are there any legal issues keeping the Veteran from being housed today?*





## *Legal Needs Assessment:*

*Once the Veteran is stabilized,  
assess legal needs again.*



*Are there any legal issues that can  
be resolved to help the Veteran  
receive additional benefits or stay  
stabilized in housing?*

*Remind Veteran that help is  
available even though they are now  
housed.*





## *Legal Needs Assessment:*

*A Veteran may be more willing to discuss legal issues once they are housed.*



*Latent legal issues are more easily identified as the Veteran's housing situation stabilizes.*



# The Four Phases of Intervention

## Phase 1: Pre-Housing Placement-

Identify immediate legal concerns that are barriers to housing



## Phase 2: Housing Application and Admission-

Identify and Address legal issues that may impact a Veterans access to housing or benefits



## Phase 3: Retention and Stabilization-

Maintain contact and communication to resolve destabilizing legal concerns



## Phase 4: Aspirations-

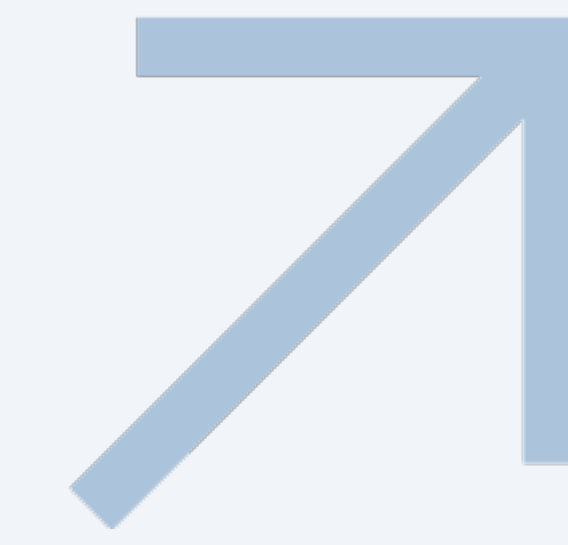
Identify legal hopes and take steps to achieve them



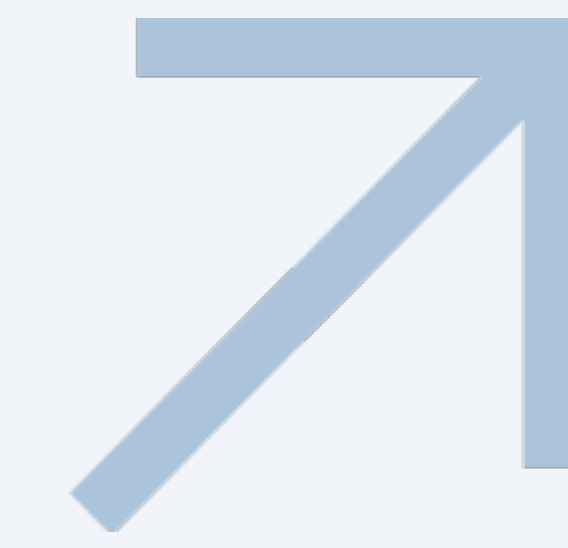
# Legal Services Planning Tool

The SSVF Program Office will provide the Planning Tool template to grantees.

Grantee submission due: 11/23/21



Each grantee will complete one plan with their identified legal services provider



Outline the grantee plan to provide legal assessment and services



Partner could be a VA Medical Legal Partnership (MLP) which are legal clinics located at VA Medical Centers or another legal services provider

# Legal Services Planning Tool

The Legal Services Planning Tool is due **11/23/21**.

## Key areas:

- Assessment: Some legal needs pose barriers to housing attainment, while others pose barriers to housing stability. Re-assessment throughout the case management process is a best practice.
- Referral & Collaboration: Once assessed, SSVF and the legal services provider will coordinate to meet Veterans' legal needs. (i.e. case conferencing, case closing coordination, cross training for SSVF staff, etc.)
- Model of Implementation: Grantee may choose to contract (ex. flat fee or fee for service) OR In-house counsel; When providing legal services directly, the grantee must document the legal service being provided and the link between the legal issue and housing stability in the Veteran file.
- Reporting: When utilized, Legal Services must be entered in HMIS as a service. Legal services provider may also provide aggregate data to SSVF (i.e. services provided, etc.)

**Future Office Hours will include detailed walk-through of the Planning Tool**





# **SSVF Grantee Presentations**

# Who we are



## Preble Street's Mission:

*The mission of Preble Street is to provide accessible, barrier-free services to empower people experiencing problems with homelessness, housing, hunger, and poverty; and to advocate for solutions to these problems.*



## Pine Tree Legal's Mission:

*Pine Tree Legal's mission is to ensure that state and federal laws affecting poor people are upheld, while also addressing the systemic barriers to justice faced by Mainers with low incomes.*



# What we do

- Preble Street Veterans Housing Services assists veterans and their families in finding and maintaining stable housing and works to end homelessness among veterans throughout Maine.
- VHS works with Veterans in all 16 counties in Maine.
- Pine Tree Legal is Maine's only general civil legal aid provider.
- PTLA provides legal representation in numerous legal areas, including evictions, foreclosures, income maintenance, domestic violence, and veteran specific issues, plus more.
- A partnership between the two programs was formed in 2011.

# How we work

- VHS caseworkers screen all clients for legal issues during the intake process.
- If legal issues are identified, caseworkers fill out online referral form.
- A dedicated PTLA paralegal then contacts the veteran and opens a case.
- Paralegals and attorneys at PTLA work together with Preble caseworkers to resolve the issue.
- PTLA also provides weekly trainings and “office hours” to better help VHS identify legal issues.



# Strengths of this model

- PTLA can handle cases in every county in the state.
- Wide variety of experience and expertise. PTLA has 40 + attorneys some of whom specialize in niche areas of the law.
- When subsequent legal issues arise in different area of the law, multiple PTLA attorneys can collaborate.
- VHS doesn't risk burning bridges with LL partners if cases get contentious.

# Since July 1, 2018

- 295 cases handled
  - 63% housing
  - 17% income maintenance
  - 10% consumer
  - 3% education
  - 3% miscellaneous
  - 2% family
  - 2% health

94% of cases closed with full representation resolved in favor of the PTLA client



# Specific Outcomes

- Secured 2.9 years in additional time for veterans to find alternative housing
- \$15,403+ in financial benefits secured for veterans (reduced rent/repairs, damages, etc.)
- Avoided excessive/unlawful garnishment in 4 cases and wage garnishment in 1 case
- Prevented the loss of 5 housing vouchers
- Obtained new protection from abuse order in 1 case

# Success Story



# Minnesota Assistance Council for Veterans

*Leveraging SSVF funding to  
implement and grow an  
internal legal program since  
2011*



# Minnesota Assistance Council for Veterans

- Statewide SSVF grantee since 2011
- Serving homeless and at-risk Veterans for 30+ years
  - HVRP grantee
  - GPD and transitional housing
  - Permanent housing
  - Homeless outreach services
- 62 employees located in 10 offices around the state
  - Roughly half are in direct client housing services or housing supervisors
  - Over a quarter are Operations, Administration, and Leadership
  - An eighth are HVRP/Employment
  - Four Vetlaw staff plus volunteer coordinator duties

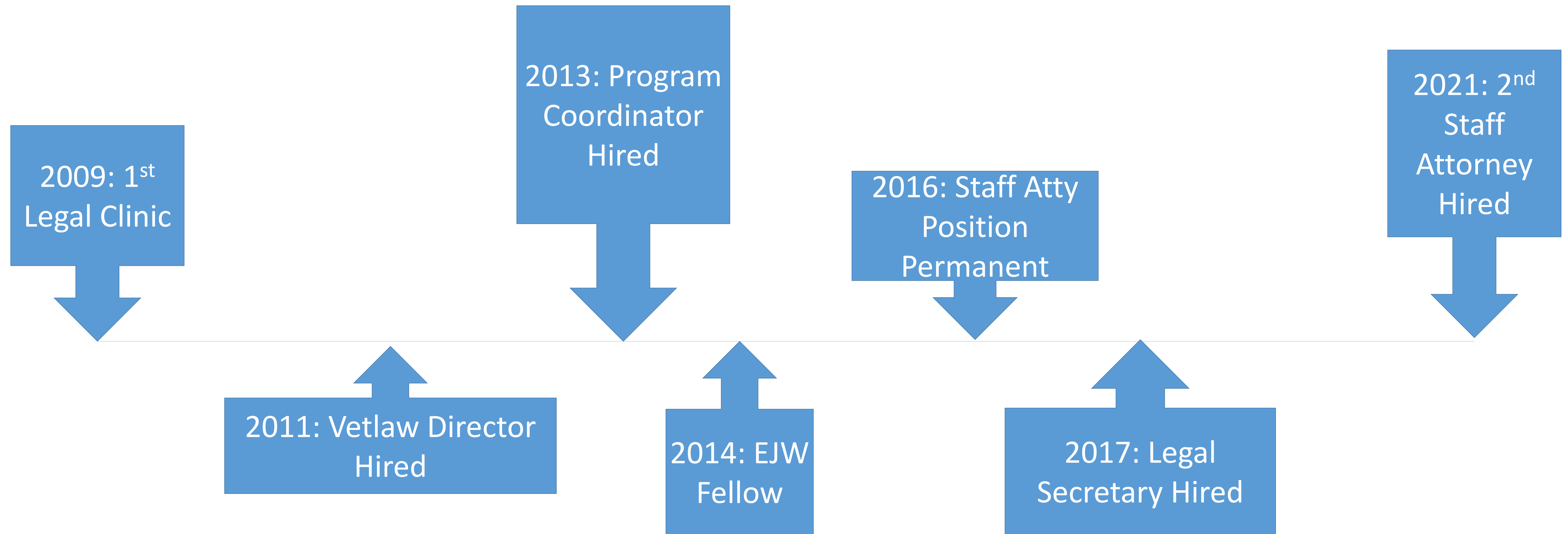




# SSVF In-house Legal Services

- Vetlaw staff are direct employees of the SSVF grantee, MACV
- Have separate intake line from housing/employment but also get referrals directly from case managers
- Vetlaw records are confidential, but we collaborate frequently with other staff once releases are obtained
- In addition to staff attorneys, partner with legal aid programs, pro bono attorneys, and non-attorney volunteers to provide services
- Non-SSVF funds give flexibility to work on longer term preventative services

# Vetlaw's Origins and Growth





# Vetlaw Program Services

- Provides legal information, referrals, legal advice, brief services, and representation to low-income Minnesota Veterans with legal issues impacting their housing stability.
- Can provide referrals, advice, and direction in criminal law but do not provide representation. We do provide full services in criminal expungement and driver's license issues related to justice involvement.
- Do not provide full services in VA benefits claims due to CVSO and other affordable options.
- Can only provide advice on Minnesota law but can help find information and referrals for out of state legal issues.
- Provide counsel and direction to case managers and program staff on client legal options.
- Screen housing and employment intakes for legal issues.
- Participate in homeless registry meetings to issue spot for legal issues.
- Train program staff and HUD-VASH on legal topics and recognizing legal issues.

# The Benefits of Providing Legal Services

Many legal issues and solutions that impact housing stability aren't obvious, it's helpful to have access to attorneys to screen and identify legal solutions to barriers.

Some clients benefit from realistic and legally supported advice, even if the answer is contrary to their views.

Lawyers do more than just go to court – we can screen for allowable expenses in payment to landlords, negotiate and mediate disputes, be a voice for clients in situations where they lack agency or equal bargaining power, and ensure veterans being threatened with removal from housing understand their rights.



# Success Stories

## Child Support Barriers

- Veteran had a 50% reduction in income when his PTSD impacted his ability to maintain employment.
- Vetlaw represented him in a child support and spousal maintenance (alimony) modification to reduce his ongoing support obligations by more than \$600/month.
- Successful outcome through a mediated settlement resulted in veteran maintaining housing that allowed him to be an active parent in his children's lives.
- 2 years later – veteran has resumed employment and remains active with his children and has maintained private market housing and self-sufficiency.

## Driver's License Barriers

- Veteran had history of unresolved traffic tickets received when he was living in his car.
- Was unaware of court dates because he lacked a stable address, and the unresolved tickets resulted his license being suspended.
- Veteran received two citations for driving after suspension (he was unaware of the suspension).
- Vetlaw negotiated with prosecutors to resolve outstanding tickets to remove the hold on his license.
- Veteran was able to gain employment and sustain private housing once he regained his driving privileges.



**ARPA Funds**

**Legal Services and Healthcare Navigator  
Funding**





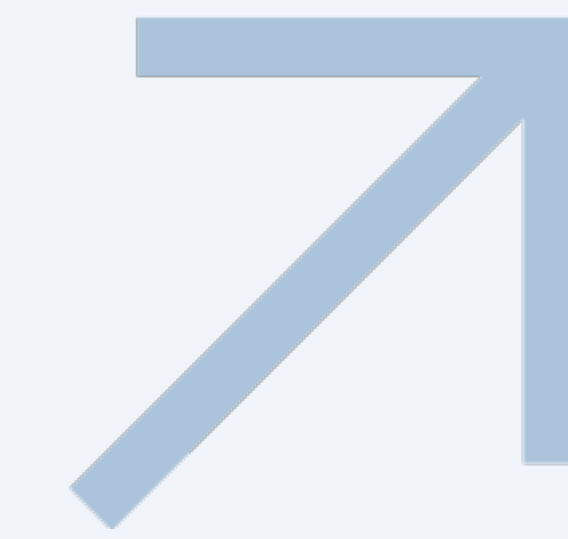
# Future ARP Funding for Health Care Navigator and Legal Services

- \$44.5M in additional ARP funds will be made available for Health Care Navigator (HCN) and Legal Services enhancement
  - \$24M for Legal
  - \$20.5M for HCN

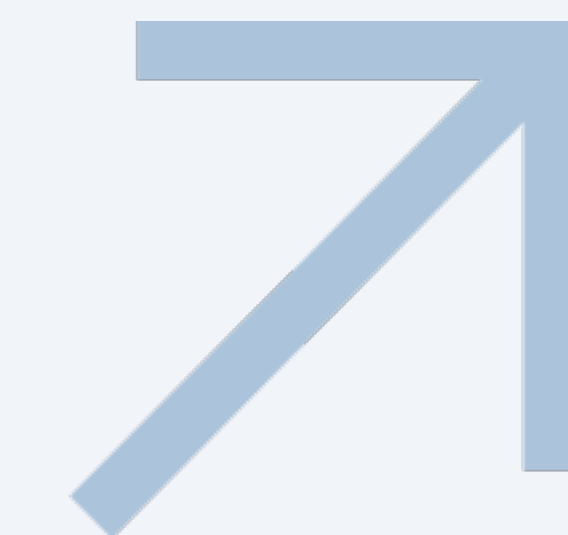
# Budgeting for Future HCN/Legal Funds in Conjunction with FY22 Funds

HCN/Legal Funds will not be accessible until current CARES/FY21 funds are exhausted.

Budgets will be submitted in 3<sup>rd</sup> quarter FY22 to account for all FY22 funds as well as these additional HCN/Legal specific ARP funds



Will then get access to FY22 and additional HCN and Legal specific ARP funds

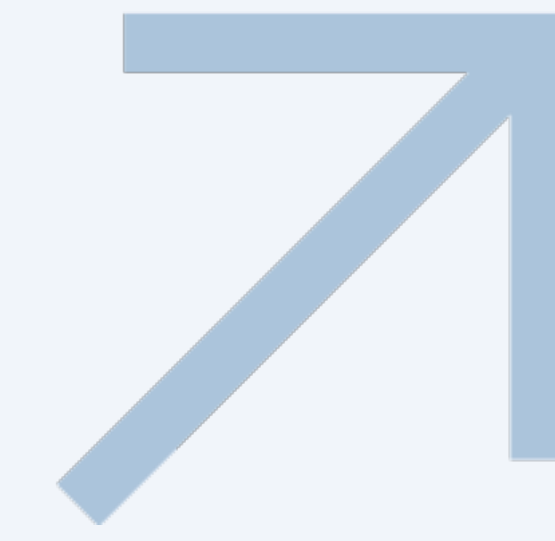


Two accounts, one for FY22 award and one for HCN/Legal

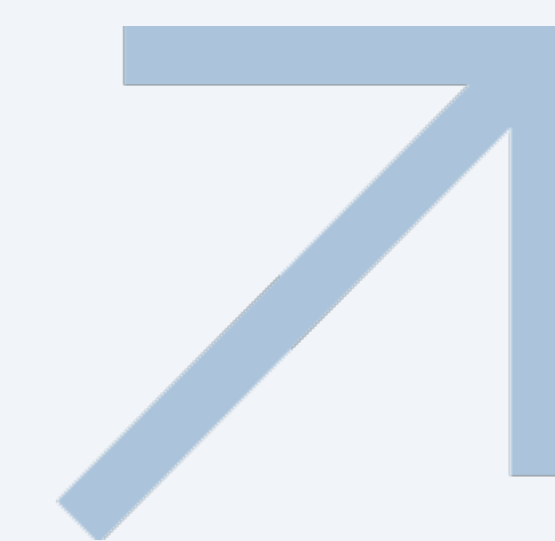


# Impact on Current Budgets

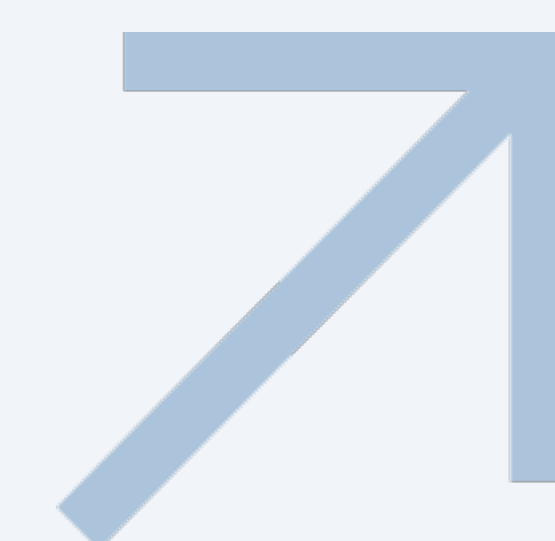
Updated budgets for current CARES/FY21 funds will need to be resubmitted to include costs for Legal and HCN (if not already included) and recalculating of spending projections



If both expenses are already included, the activity can be submitted as is.



If either expense needs to be added, please add and review/update spending projections (i.e. date ranges for each “bucket” of funding).



Updated CARES/FY21 revisions will be due by 11/12/2021



# **VA Medical Legal Partnership & Opportunities**





# VA Medical Legal Partnerships (MLPs) and Legal Clinics for Veterans:

Integrating Legal Services with VA Healthcare  
and New Grant Authority

Lara Eilhardt

MLP Attorney, OGC

[lara.eilhardt@va.gov](mailto:lara.eilhardt@va.gov)



# What do we know about Veterans' legal needs?

- Veterans have extensive civil legal needs connected to their health, housing, and employment, and if unresolved these needs can increase their risk for suicide.
- Legal clinics can help resolve legal issues and provide support and opportunities to connect Veterans to additional health services.
- VHA's CHALENG Survey consistently reveals that 5 of the top 10 unmet needs of homeless veterans are legal problems.

# What is the impact of Veterans' legal needs?

## a) Linked to Suicide Risk by VA research

- ❖ Veterans with legal problems were *86% more likely to have suicidal ideation*; and *57% more likely to attempt suicide*, even after adjusting for mental health diagnoses.
- ❖ Social determinants of health such as legal problems and housing instability are as relevant as medical factors (i.e., depression) for **suicide prevention and treatment**.

Study: J Blosnich et al., "Social Determinants and Military Veterans' Suicide Ideation and Attempt: a Cross-sectional Analysis of Electronic Health Record Data." J Gen Intern Med (2019) DOI: 10.1007/s11606-019-05447-z

## b) Legal services provided to Veterans in conjunction with VA healthcare in VA MLPs:

- *decreased* Veterans' PTSD symptoms
- *reduced* spending on substance abuse
- *increased* Veterans' mental health and housing stability

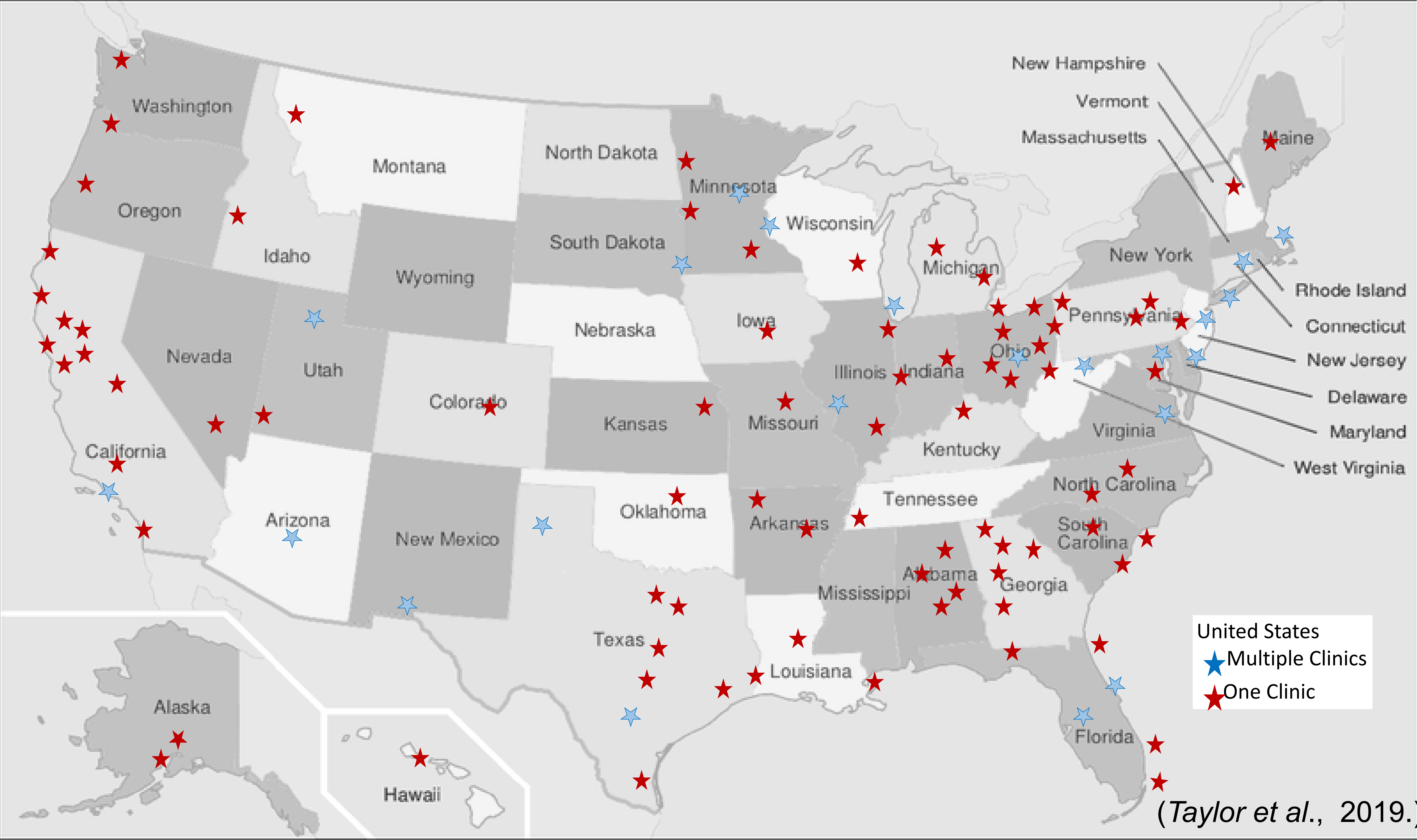
J Tsai et al., "Medical-Legal Partnerships At Veterans Affairs Medical Centers Improved Housing and Psychosocial Outcomes For Vets." Health Affairs 36, no. 12 (2017): 2195-2203.



# What is the VA landscape for Veterans' legal services connections?

- Approximately 170 pro bono legal clinics (including 32 Medical Legal Partnerships (MLPs)) serve Veterans through VA facilities
- Guided by VHA Directive 1510 (encouraging VA Medical Centers and staff to make space available for legal service providers to assist Veterans).
- For several years, VHA's Homeless Programs Office and OGC have worked closely together to facilitate and expand these legal clinics and MLPs with VA facilities and lead the VA MLP Taskforce.

# LOCATIONS WITH VA-HOSTED LEGAL CLINICS/MLPS IN 2021



# Growth and Lessons Learned 2011-2021

- Since 2016, VA MLPs have grown from 5 from to 31;
- VA legal clinics have experienced 500% growth in six years

## **Best Practices for VA Medical Legal Partnerships**

- Designed process for VA health care team to screen for and identify potential legal issues and provide appropriate referral
- Training for legal clinic staff on available VA resources and referral for clinical issues
- A “lawyer-in-residence” in co-located VA space
- Defined target client/patient population
- Formal agreements/MOU in place;
- Frequent communication/information sharing
- Secure funding



# New authority for legal services

In January 2021, Congress enacted:

- (1) Sec. 548 of Public Law 116-283 (the NDAA); and
  - (2) Sec. 4202 of Public Law 116-315
- *Both* authorize VA to fund legal services grants for organizations to provide legal services to Veterans
  - VHA HPO and OGC are now implementing two, new separate grant programs with different requirements regarding their target populations, eligibility criteria, and grant administration.

# Compared: Sec. 548 and Sec. 4202

	Sec. 548 of NDAA	Sec. 4202 of P.L. 116-315
Eligible population	Any individual who has served regardless of discharge	Homeless veterans and those at risk of homelessness
Types of legal services	VA benefits, discharge upgrades, and other legal services as Secretary considers appropriate and determines is needed, at locations other than VA facilities	Legal services related to housing, family law, income support, criminal defense matters symptomatic of homelessness, discharge upgrades
Grant distribution and timing	Ensure at least one grant is awarded to at least one eligible entity in each State to establish or enhance pro bono legal assistance clinics, in a five-year period	Equitably distribute grants across geographic regions, such as rural communities, trust lands, and Native Americans; at least 10 percent for women veterans.
Eligible entities	VSOs, law school clinics, legal services organizations, bar associations or entities focused on assisting veterans	Public or nonprofit private entity with the capacity to effectively administer a grant under the section



## Potential impact: Two new legal services grant programs

- Legal services extends beyond VHA Homeless Programs
- Veterans' legal services impact primary care, mental health, social work, and more.
- Legal services affect health outcomes.
- Resolution of patients' civil legal problems is associated with lower acute health care costs.

What are the potential ripple effects on Veterans?

- Decrease Suicide risk
- Increased Access to Housing
- Improved Mental Health
- Access to VA benefits



**Questions?**

**Lara.Eilhardt@va.gov**

**Sean.Clark2@va.gov**

# Q & A







**THANK YOU** for all you do to  
assist Veterans and their  
families!

*Additional questions may be sent to the SSVF Program Office at [ssvf@va.gov](mailto:ssvf@va.gov).*

*Project specific questions should be sent to your Regional Coordinator.*